IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1920 OF 2004

Balu Dnyaneshwar More ... Petitioner

Versus

Chief Medical Superintendent Respondent

None for the Petitioner.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : MARCH 03, 2006

P.C.

. Rule. Heard forthwith.

. In the instant case, the Petitioner against the order of his removal has moved the Central Administrative Tribunal. There was delay of 2.1/2 years in moving the C.A.T. The order of dismissal was passed in suo moto exercise of original powers. The appellate authority had reduced the order of dismissal into reduction to lower time scale of pay for two years. However, in exercise, that was enhanced by the revisional authority to removal from service. The case of the Petitioner was that he was making representation that is how there was

delay in approaching the tribunal.

. Be that as it may. We have considered the records of the case. We find from the communication dated 3.5.1995 written by the Petitioner to Respondent that he has admitted the charge levelled against him was correct. That charge was that he secured employment based on false certificate that he was casual worker. Reply has been filed on behalf of the Respondents pointing out the same. In our opinion, once the Petitioner has secured employment by practicing fraud, that employment will be no employment in law. Therefore, this is not a fit case to exercise our extra ordinary jurisdiction. Hence, rule discharged. No order as to costs.

(F.I. REBELLO,J.)

(DR. D.Y. CHANDRACHUD,J.)